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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 TAMMY HUNTELMAN,
12 Plaintiff,
13 v.
14 CROSS AMERICA FINANCIAL, LLC,
15 et al.,
16 Defendants.
17

Case No. CV 15-9703 JAK (SSx)

MEMORANDUM AND ORDER RE:
STIPULATION FOR ENTRY OF
PROTECTIVE ORDER
(Dkt. No. 20)

18 The Court has received and considered the Parties'
19 "Stipulation Regarding Confidential Designation" in support of
20 their request for a protective order (the "Proposed Order"). (Dkt.
21 No. 20). The Court cannot adopt the Proposed Order as stipulated
22 to by the parties. The parties may submit a revised stipulated
23 protective order, but must correct the following deficiencies:
24

25 The Proposed Order does not describe with particularity the
26 items to be protected, any privilege that applies to these items,
27 or the harm that could be reasonably be anticipated to result from
28 their public disclosure. (Proposed Order at 2:17-3:4, ¶ 2(a)).

1 For example, the Proposed Order purports broadly to protect all
2 "commercial information" so long as the producing party "reasonably
3 believes" the material "warrants confidential treatment," which
4 could be construed to encompass nearly everything related to a
5 company or in a party's possession. (Id. at 3:2, ¶ 2(a)(4)).
6 Documents to be protected should be described with specificity.
7 Here, the Proposed Order is overbroad because it does not clearly
8 identify the specific documents or specific categories of documents
9 sought to be protected.

10
11 However, if the parties seek a "blanket" protective order, as
12 opposed to an order protecting individually-identified documents,
13 the stipulation must state the justification for this type of
14 protective order. See Blum v. Merrill Lynch Pierce Fenner & Smith,
15 Inc., 712 F.3d 1349, 1352 n.1 (9th Cir. 2013) (defining a "blanket"
16 protective order as an order that is obtained without "making a
17 particularized showing of good cause with respect to any individual
18 document") (citing Foltz v. State Farm Mut. Auto. Ins. Co., 331
19 F.3d 1122, 1138 (9th Cir. 2003)); Perry v. Brown, 667 F.3d 1078,
20 1086 (9th Cir. 2012) (blanket protective orders often cover
21 materials that would not qualify for protection if subjected to
22 individualized analysis).

23
24 Second, parties are required to show "good cause" for
25 protecting the particular documents or categories of documents at
26 issue from public disclosure. See Foltz, 331 F.3d at 1130 (court's
27 protective order analysis requires examination of good cause)
28 (citing Phillips v. Gen. Motors Corp., 307 F.3d 1206, 1212 (9th

1 Cir. 2002)). Federal Rule of Civil Procedure 26(c) requires a
2 "particularized showing" of good cause in order for the court to
3 enter a protective order. Kamakana v. City and Cnty. of Honolulu,
4 447 F.3d 1172, 1176 (9th Cir. 2006) (internal citations omitted);
5 see also Fed. R. Civ. P. 26(c). Here, the Proposed Order fails to
6 include an adequate statement of good cause.

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8 In addition, the procedures set forth in the Proposed Order
9 for bringing confidentiality designation disputes to the Court fail
10 to comply with the provisions of Local Rule 37. (See id. at 5:15-
11 6:2, ¶ 2(i)(1)). For example, Local Rule 37-1 requires the parties
12 to meet and confer within ten days after the party raising the
13 discovery dispute sends a letter to opposing counsel identifying
14 the dispute and the authority upon which the moving party is
15 relying. (C.D. Cal. L.R. 37-1). The Rule further provides that
16 the parties must meet and confer in person where, as here, counsel
17 for both sides are located in the same county. (Id.).
18 Additionally, Local Rule 37-2 requires the parties to submit any
19 discovery dispute to the Court in the form of a Joint Stipulation
20 and sets forth the procedures for doing so. (C.D. Cal. L.R. 37-
21 2). For the same reasons, the procedures set forth in the Proposed
22 Order for bringing disputes to the Court regarding the disclosure
23 of confidential materials to persons other than "Qualified Persons"
24 fail to comply with the provisions of Local Rule 37. (See Proposed
25 Order at 8:10-17, ¶ 2(m)).

26
27 Finally, the procedures in the Proposed Order for including
28 confidential information and documents in Court filings improperly

1 cite to the California Rules of Court. (See id. at 8:22, ¶ 2(n)).
2 Any requests to file materials under seal must comply with the
3 procedures set forth in this Court's Local Rule 79-5.

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5 The parties are advised that there is a "strong presumption
6 in favor of [public] access to court records." Foltz, 331 F.3d at
7 1135. In any revised stipulated protective order, the parties
8 should include a statement demonstrating good cause for entry of a
9 protective order pertaining to the specific documents, materials
10 or information described in the order. The paragraph containing
11 the statement of good cause should be preceded by the heading "GOOD
12 CAUSE STATEMENT." The Good Cause Statement should be edited to
13 discuss information that applies to the instant case, specifying
14 any privilege or privileges being invoked and the harm or prejudice
15 that would result from the disclosure of confidential information
16 likely to be produced, assuming no protective order is entered.
17 See id. at 1130 ("A party asserting good cause bears the burden,
18 for each particular document it seeks to protect, of showing that
19 specific prejudice or harm will result if no protective order is
20 granted.").

21
22 All future discovery documents shall include the following in
23 the caption: "[**Discovery Document: Referred to Magistrate Judge**
24 **Suzanne H. Segal**]." The Court's website (see <http://www.cacd.uscourts.gov>) contains additional guidance regarding protective
25 orders and a sample protective order. This information is
26 available in Judge Segal's section of the link marked "Judges'
27 Procedures & Schedules." The parties may submit a revised
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1 Stipulation and [Proposed] Protective Order for the Court's
2 consideration.

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4 IT IS SO ORDERED.

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6 DATED: July 28, 2016

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8 /s/
SUZANNE H. SEGAL
9 UNITED STATES MAGISTRATE JUDGE
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